IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.3772 OF 2006

The State of Maharashtra ...Applicant.
V/s.
Raju Anand Wanmu ...Respondent.

Mr.Y.S.Shinde, APP for the Applicant/State.
Mr.Rishi Bhutta, adv. for the Respondent absent.

CORAM: J.H.BHATIA, J.
DATE : 28th February, 2007.

P.C.:

1. Heard Mr.Shinde, the learned APP for the State. None for the respondent.

2. This is an application for cancellation of bail granted to the respondent by the order dated 1-4-2005 in Criminal Application No.1481 of 2005 pending final hearing and disposal of the Criminal Appeal No.222 of 2005. The respondent was prosecuted for the offences punishable under Section 302 and 392 read with Section 34 of the I.P.C. on the ground that he alongwith his companions had entered wine shop and had assaulted one person with Gupti due to which that person died. He also committed robbery. All the culprits had covered their faces with cloth. During the trial, he was granted bail by the Division Bench of this Court on the ground that identification parade was not properly held.

After the trial, he was convicted only for the offence punishable under Section 392 of the I.P.C. and was sentenced to undergo R.I. for 7 years. After admission of his appeal against the conviction and sentence, he was granted bail by the order dated 1-4-2005 with condition that he shall report to the Malegaon police station once in a week. It is contended on behalf of the State that he has not complied with this condition and therefore, the bail should be cancelled.

3. After perusal of the record, Mr.Shinde, the learned APP concedes that the respondent was arrested under the Maharashtra Prevention of Disruptive Activities Act and he is presently in Nashik Jail.Notice of this application was also served to him in the jail. He also conceded that the present application for cancellation of bail was filed after he was detained under the M.P.D.A. Act. I really fail to understand if the respondent is already taken in custody and he is in jail, how he could comply the condition imposed by this Court to attend the police station every week. Application appears to be without any substance.

4. Application stands rejected.

(J.H.Bhatia,J.)